

AMENDED IN ASSEMBLY APRIL 1, 2004
AMENDED IN ASSEMBLY FEBRUARY 9, 2004
AMENDED IN ASSEMBLY SEPTEMBER 9, 2003
AMENDED IN SENATE APRIL 30, 2003
AMENDED IN SENATE APRIL 22, 2003

SENATE BILL

No. 871

Introduced by Senator Torlakson

February 21, 2003

An act to add Section 1810.3 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 871, as amended, Torlakson. Vehicles: accident reports.

(1) Existing law authorizes the Department of Motor Vehicles to establish commercial requester accounts for individuals or organizations for the purpose of obtaining information from the department's files, except as specified.

Existing law requires certain motor vehicle traffic accident reports to be submitted to the department and the Department of the California Highway Patrol *by law enforcement agencies*, and prohibits the release of the information in those reports except to certain state and local governmental agencies and certain, listed interested persons.

This bill would authorize the Department of Motor Vehicles, using the information in those *law enforcement agency* accident reports, to make the license plate number and the accident report number available to a person who has established a commercial requester account and enters into a specified ~~contract~~ *agreement* with the department. The bill

would require the ~~contract~~ *agreement* to stipulate that the information provided may not be used for the purpose of identifying or contacting any person and may only be used to identify a vehicle that has been ~~damaged reported to be~~ in a traffic accident ~~and to provide a description of that damage~~. The bill would authorize the *law enforcement agency* accident report number and license plate number to be used only for the internal verification purposes of the business that receives the information and would prohibit that information from being disclosed to any party other than the department or the Department of the California Highway Patrol. The bill would make the use of the information in violation of the elements of the stipulation a violation of related criminal and civil remedy provisions of existing law. The bill thereby would establish a state-mandated local program by expanding the scope of a crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1810.3 is added to the Vehicle Code, to
- 2 read:
- 3 1810.3. (a) Using the information made available in the
- 4 accident reports provided to the department *by law enforcement*
- 5 *agencies* under Section 20012, the department may provide
- 6 information consisting of the following, for each vehicle that is
- 7 included in those reports:
- 8 (1) The license plate number.
- 9 (2) The accident report number.
- 10 (b) Notwithstanding Section 16005, 20012, or 20014, *or any*
- 11 *other provision of law*, the department may make the information
- 12 available to a person who has done both of the following:
- 13 (1) Established a commercial requester account under Section
- 14 1810.2.

(2) Entered into ~~the contract~~ *an agreement* described under subdivision (c).

(c) The department ~~may~~ *shall* not provide information under this section unless the person requesting the information has entered into ~~a contract~~ *an agreement* with the department that includes the following stipulations:

(1) The information provided may not be used for the purpose of identifying or contacting any person or for any other purpose, except as specified in paragraph (2).

(2) The information may be used only to identify a vehicle that ~~has been damaged in a traffic accident, and to provide a description of that damage.~~

~~(3) The has been reported to be in a traffic accident.~~

(3) ~~The~~ *The* law enforcement agency accident report number and license plate number provided under this section ~~may~~ *shall* be used only for the internal verification purposes of the business that receives the information and may not be disclosed to any party other than the department or the Department of the California Highway Patrol.

(4) The requester agrees to investigate and promptly correct any error that is brought to its attention.

(d) Use of the information provided under this section in violation of paragraph (1), (2), or (3) of subdivision (c) is a violation of Sections 1808.45 and 1808.46.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.